

**SUPREME COURT MINUTES
THURSDAY, APRIL 12, 2012
SAN FRANCISCO, CALIFORNIA**

S166350

D049331 Fourth Appellate District, Div. 1

**BRINKER RESTAURANT
CORPORATION v. S.C.
(HOHNBAUM)**

Opinion filed: Affirmed in part, reversed in part

For the foregoing reasons, we affirm the Court of Appeal's judgment as to the off-the-clock subclass. We reverse its judgment as to the rest period subclass. Finally, as to the meal period subclass, we reverse the Court of Appeal's judgment insofar as it directed the trial court to enter denial of certification with prejudice. We remand to the Court of Appeal with directions to, in turn, remand to the trial court for it to reconsider meal period subclass certification in light of the clarification of the law we have provided.

Majority Opinion by Werdegar, J.

-- joined by Cantil-Sakauye C. J., Kennard, Baxter, Chin, Corrigan, and Liu, JJ.

Concurring Opinion by Werdegar, J.

-- joined by Liu, J.

S144008**HOWARD (ALPHONSO) ON
H.C.**

Order filed

The order filed on March 28, 2012, is hereby amended to read in its entirety:

Petitioner's "Request to File Supplemental Exhibits, Claims and Authority in Support of Petition for Writ of Habeas Corpus," filed on February 15, 2012, and the request to present supplemental authority on the issue of timeliness of the petition are denied insofar as they seek to add additional claims to the Petition for Writ of Habeas Corpus, S144088, filed on June 5, 2006. These additional claims are set forth at pages 30 through 97 and pages 99 through 101 of the request. Denial is without prejudice to petitioner's filing the supplemental claims and authority as a new petition for writ of habeas corpus. The request to file supplemental exhibits is granted. The request to cite additional authority is granted with respect to *Porter v. McCollum* (2009) __ U.S. __, 130 St. Ct. 447 and *Walker v. Martell* (N.D. Cal. 2011) 803 F.Supp.2d 1032.

Petitioner's "Application For Order to File Under Seal Supplemental Exhibits 31-32, 39, 44-45, 49-50 in Support of the Petition for Writ of Habeas Corpus," filed on February 15, 2012, is granted in part and denied in part as follows:

The application to file exhibits 31, 32, 44, 49, 50 and pages 947 through 951 and pages 1216 through 1240 of exhibit 39 under seal is granted. (Cal. Rules of Court, rule 8.610.) As to these exhibits, the court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(e)(6).

The application to file exhibit 45 under seal is denied. As to this exhibit, petitioner has not shown either that an overriding interest warrants protection of its contents from public disclosure, or that sealing would not effectively protect any such overriding interest because its contents have already been disclosed in the petition. (Cal. Rules of Court, rule 2.550(d); see also *id.*, rule 8.46(e)(7).)

Because exhibit 45 is contained in the same bound volume as exhibits 31, 32, 39, 44 and 49, the Clerk cannot presently file these exhibits under seal. The Clerk is directed to return Volume 12, lodged conditionally under seal, to counsel for petitioner, who may resubmit the exhibits for filing in compliance with the terms of this order. Any resubmitted exhibits must retain the original pagination. Reference to any exhibits petitioner does not resubmit by April 30, 2012, will be stricken from the petition on the court's own motion.

S200916**LATINER ON RESIGNATION**

Order filed

The order filed on March 22, 2012, accepting the voluntary resignation of FORREST LATINER, is hereby amended to reflect the correct State Bar case number.

S201600

H037757 Sixth Appellate District

**PEOPLE v. ARTEAGA
(LORENZO)**

Order filed

The time for granting review on the court's own motion is hereby extended to May 14, 2012. (Cal. Rules of Court, rule 8.512(c).)

S201091**SNYDER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LEE ANN SNYDER, State Bar Number 106883, as a member of the State Bar of California is accepted.

LEE ANN SNYDER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201101**NOVE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHRYN HALVORSON NOVE, State Bar Number 127927, as a member of the State Bar of California is accepted.

KATHRYN HALVORSON NOVE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201333**LOVETT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANTHONY LOVETT, State Bar Number 51027, as a member of the State Bar of California is accepted.

ANTHONY LOVETT must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201334**REDMOND ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THOMAS MANGAN REDMOND, State Bar Number 51391, as a member of the State Bar of California is accepted.

THOMAS MANGAN REDMOND must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201336**ROULLIER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SIDNEY LEON ROULLIER, State Bar Number 72453, as a member of the State Bar of California is accepted.

SIDNEY LEON ROULLIER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201337**SCOTT-GRAHAM ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELIZABETH SCOTT-GRAHAM, State Bar Number 91426, as a member of the State Bar of California is accepted.

ELIZABETH SCOTT-GRAHAM must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201338**SMITH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA ANN SMITH, State Bar Number 97007, as a member of the State Bar of California is accepted.

PATRICIA ANN SMITH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201339**SPONSLER, JR., ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THOMAS CLYDE SPONSLER, JR., State Bar Number 41769, as a member of the State Bar of California is accepted.

THOMAS CLYDE SPONSLER, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201340**BECKER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of HARVEY ALAN BECKER, State Bar Number 119484, as a member of the State Bar of California is accepted.

HARVEY ALAN BECKER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201342**BRODY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RAYMOND BRODY, State Bar Number 90774, as a member of the State Bar of California is accepted.

RAYMOND BRODY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201343**CARDWELL II ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of William Amos Cardwell II, State Bar Number 68153, as a member of the State Bar of California is accepted.

William Amos Cardwell II must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201345**CHIRILA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TUDOR CHIRILA, State Bar Number 78738, as a member of the State Bar of California is accepted.

TUDOR CHIRILA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201364**COLE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LYNDIA LOUISE COLE, State Bar Number 102184, as a member of the State Bar of California is accepted.

LYNDIA LOUISE COLE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201369**GISLA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN FREDERICK GISLA, State Bar Number 42829, as a member of the State Bar of California is accepted.

JOHN FREDERICK GISLA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201391**HARRIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMIE OLIVER HARRIS, State Bar Number 55705, as a member of the State Bar of California is accepted.

JAMIE OLIVER HARRIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201393**JOHNSTON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT PERRY JOHNSTON, State Bar Number 60345, as a member of the State Bar of California is accepted.

ROBERT PERRY JOHNSTON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar

days, respectively, after the effective date of this order.

S201394**KAROL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARBARA SONIA KAROL, State Bar Number 99101, as a member of the State Bar of California is accepted.

BARBARA SONIA KAROL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.